

REMARKS

Claims 1-20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Dalal (U.S. Patent Number 6,633,554). Respectfully disagreeing with these rejections, reconsideration is requested by the applicants.

The applicants submit that Dalal does not describe or suggest an MS acknowledgment in response to a base station acknowledgment message that is sent after completing traffic channel initialization procedures with an MS. Therefore, the applicants submit that Dalal does not teach or suggest proceeding to transmit signaling to the MS without waiting to receive such an MS acknowledgment in response to such a base station acknowledgment message. Thus, the applicants submit that original claims 1 and 14 are not anticipated by Dalal.

Nonetheless, to even more clearly express the differences between what is claimed and what is described / suggested by Dalal, the applicants have respectively incorporated language from now canceled claims 2 and 15 into claims 1 and 14. Independent claim 1 as amended recites (emphasis added) “**after completing traffic channel initialization procedures**, sending a base station acknowledgment message to the MS...[and] after proceeding to transmit signaling to the MS, receiving an **MS acknowledgment** in response to the base station acknowledgment message.” Independent claim 14 as amended recites (emphasis added) “a controller... adapted to send, via the WTE, a base station acknowledgment message to the MS, after **completing traffic channel initialization procedures**...and adapted to receive, via the WTE, an **MS acknowledgment** in response to the base station acknowledgment message, after proceeding to transmit signaling to the MS.” The Examiner cites Dalal column 9, lines 24-59 as teaching the language of original claims 2 and 14. Dalal column 9, line 24 – column 10, line 36 reads as follows (emphasis added):

The system access handoff process begins when MS 112 transmits an Origination message with Network Layer 2 acknowledgment required, over the access channel of the air interface to BS 101 to request service (process step 401). BS 101 acknowledges the

receipt of the Origination message by transmitting a Base Station Acknowledge Order message to MS 112 (process step 402). This message is either lost or MS 112 moves to another base station, BS 102, due to adverse propagation conditions.

Since BS 101 is unaware of the failure situation, it continues the call setup operation and transmits to mobile switching center 140 a CM Service Request message that is part of a network Layer 3 Information message (process step 403). In reply, MSC 140 sends an Assignment Request message to BS 101 to request assignment of radio resources in BS 101 (process step 404).

In the meantime, MS 112 initiates an access probe handoff by sending another Origination Message to BS 102 (process step 405). BS 102 acknowledges the receipt of the Origination message with a Base Station Acknowledge Order message to MS 112 (process step 406). BS 102 also transmits to mobile switching center 140 a CM Service Request message that is part of a network Layer 3 Information message (process step 407).

If the Pilot Report field of the Origination message sent from MS 112 to BS 102 identifies other strong pilot channel signals (i.e., BS 101 and BS 103 pilots are also strong), then BS 102 initiates the inter-base station soft handoff setup procedure by sending Handoff Request messages to the target base stations, in this case, BS 101 and BS 103 (process steps 408 and 409).

Since BS 101 is unaware that MS 112 has moved on to BS 102, BS 101 sends a Channel Assignment or Extended Channel Assignment Message to MS 112, but does not receive any reverse traffic frames from MS 112 (process step 410).

BS 101 and BS 103 each initiate a connection by sending a Connect message to BS 102 (process steps 411 and 412). Note that a single Handoff Request message may result in multiple connections being established, each using a separate Connect message. This example shows only a single connection being established. BS 102 replies with Connect Acknowledgment messages to complete the connections (process steps 413 and 414).

In the meantime, since BS 101 did not receive any reverse traffic frames from MS 112, it sends an Assignment Failure message to MSC 140 (process step 415). MSC 140 continues to process the call setup request from BS 102 and sends an Assignment Request message to BS 102 (process step 416). In actuality, MSC 140 may send the Assignment Request message at any time after BS 102 sends the CM service Request message in process step 407 above.

After receiving the Assignment Request message from MSC 140 and receiving Connect messages from BS 101 and BS 103, BS 102 sends inter-BS Channel Assignment messages (IBSCAM) to BS 101 and BS 103 (process steps 417 and 418). Next, some or all of BS 101, BS 102 and BS 103 transmit Extended Channel Assignment messages over the air interface to MS 112 (process step 419). The probability of MS 112 receiving at least one ECAM is substantially increased by sending ECAMs from multiple base stations.

In the meantime, MS 112 has performed an access handoff to BS 103 . Since MS 112 is listening to the paging channel of only one base station (in this case, now BS 103), it does not receive the Extended Channel Assignment Messages from BS 101 and BS 102 but it does receive this message from BS 103 . After receiving a Extended Channel Assignment Message from BS 103 and the forward traffic frames from one or more base stations, MS 112 starts sending traffic pREAMbles (process step 420). At this time, MS 112 has been set up directly by the soft/softer handoff with one or more base stations.

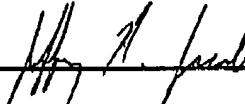
BS 101 and BS 103 send Handoff Request Acknowledgment messages to BS 102 to complete the soft handoff setup procedure (process steps 421 and 422). Since BS 102 is the source base station, it receives the reverse traffic frames from MS 112 either directly or through BS 101 and/or BS 103 . BS 102 then sends the Assignment Complete message to MSC 140 (process step 423). At this time, MS 112 is moved to traffic channel and the call setup is completed successfully.

The applicants submit that Dalal does not describe or suggest an MS acknowledgment in response to a base station acknowledgment message that is sent after completing traffic channel initialization procedures with an MS. Therefore, the applicants submit that Dalal does not teach or suggest receiving an MS acknowledgment in response to the base station acknowledgment message, after proceeding to transmit signaling to the MS, as claims 1 and 14 (although somewhat paraphrased) recite.

Since none of the references cited, either independently or in combination, teach all of the limitations of independent claims 1 or 14, or therefore, all the limitations of their respective dependent claims, it is asserted that neither anticipation nor a prima facie case for obviousness has been shown. No remaining grounds for rejection or objection being given, the claims in their present form are asserted to be patentable over the prior art of record and in condition for allowance. Therefore, allowance and issuance of this case is earnestly solicited.

The Examiner is invited to contact the undersigned, if such communication would advance the prosecution of the present application. Lastly, please charge any additional fees (including extension of time fees) or credit overpayment to Deposit Account No. 502117 – Motorola, Inc.

Respectfully submitted,
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